

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of	)	
	)	DOCKET NO. 16610
[REDACTED]	)	
Petitioner.	)	DECISION
	)	
	)	

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On March 20, 2002, the staff of the Tax Discovery Bureau of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income tax, penalty, and interest for the taxable years 1994 through 1999 in the total amount of \$24,102.

On May 22, 2002, the taxpayer filed a timely appeal and petition for redetermination. The taxpayer did not respond to the Tax Commission's hearing rights letter and has provided nothing further for the Tax Commission to consider. The Tax Commission, having reviewed the file, hereby issues its decision.

The taxpayer filed an extension for filing his 1999 Idaho income tax return but failed to follow up the extension with his 1999 Idaho income tax return. The Tax Discovery Bureau (Bureau) received the taxpayer's extension form and researched the Tax Commission's records for other filings of the taxpayer. The Bureau found that the taxpayer had not filed Idaho income tax returns as far back as tax year 1994. The Bureau sent the taxpayer a letter asking him about his requirement to file Idaho income tax returns. The taxpayer did not respond.

The Bureau obtained additional information from [Redacted] and determined the taxpayer did meet the filing requirements of Idaho Code section 63-3030. The Bureau prepared income tax returns for the taxpayer and sent him a Notice of Deficiency Determination. The taxpayer protested the Bureau's determination. The taxpayer stated he was gathering the necessary information and would have income tax returns prepared.

The Bureau corresponded further with the taxpayer, but received no response and no returns from the taxpayer. Therefore, the Bureau referred the matter for administrative review. The Tax Commission sent the taxpayer a letter giving him two options for having the Notice of Deficiency Determination redetermined. The taxpayer did not respond. The Tax Commission sent the taxpayer a follow-up letter, but still the taxpayer did not respond. Therefore, the Tax Commission decided the matter based upon the information available.

The taxpayer did not contest his requirement to file Idaho income tax returns. The taxpayer stated he was gathering the necessary information to be able to file complete and accurate returns for all the years showing all income and allowable deductions and exemptions. The taxpayer stated it was his belief that his taxable income would be minimal.

However, the taxpayer failed to provide his income tax returns or any other information regarding his taxable income. He failed to meet his burden of proof. Albertson's, Inc. v. State, Dept. of Revenue, State Tax Com'n, 106 Idaho 810, 683 P.2d 846 (1984). Therefore, the Tax Commission reviewed the returns the Bureau prepared and found them to be a reasonable representation of the taxpayer's taxable income. Since the taxpayer has provided nothing to show the returns prepared by the Bureau were incorrect, the Tax Commission upholds the Bureau's determination.

WHEREFORE, the Notice of Deficiency Determination dated March 20, 2002, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1994	\$2,490	\$623	\$1,575	\$4,688
1995	3,912	978	2,134	7,024
1996	2,468	617	1,142	4,227
1997	1,035	259	389	1,683
1998	2,439	610	728	3,777
1999	2,431	608	548	3,587
				<u>\$24,986</u>

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2003.

IDAHO STATE TAX COMMISSION

\_\_\_\_\_  
COMMISSIONER

### **CERTIFICATE OF SERVICE**

I hereby certify that I have on this \_\_\_\_ day of \_\_\_\_\_, 2003, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:  
[Redacted]